

## City Council Adjourned Regular Meeting

**Tuesday, June 30, 2020**

**5:30 PM**

**City Council Chambers**



### **ELECTED OFFICIALS**

**Mayor** Richard Montgomery  
**Mayor Pro Tem** Suzanne Hadley  
**Councilmember** Hildy Stern  
**Councilmember** Steve Napolitano  
**Councilmember** Nancy Hersman  
**Treasurer** Tim Lilligren

### **EXECUTIVE TEAM**

**City Manager** Bruce Moe  
**City Attorney** Quinn Barrow

**City Clerk** Liza Tamura

**Community Development Director** Carrie Tai

**Finance Director** Steve Charelian

**Acting Fire Chief** Derrick Abell

**Human Resources Director** Lisa Jenkins

**Interim Information Technology Director** Patrick Griffin

**Parks and Recreation Director** Mark Leyman

**Police Chief** Derrick Abell

**Public Works Director** Stephanie Katsouleas

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### **MISSION STATEMENT:**

Our mission is to provide excellent municipal services,  
preserve our small beach town character, and enhance the quality of life for our  
residents, businesses and visitors.

**June 30, 2020**

**City Council Meeting Agenda Packet:**

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**MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!**

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at [www.citymb.info](http://www.citymb.info), the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Chapter Spectrum), Channel 35 (Frontier Communications), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

**CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Saturday, June 27, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

**BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.****A. CALL MEETING TO ORDER****B. ROLL CALL****C. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

This is the time for the City Council to: (a) notify the public of any changes to the agenda and (b) rearrange the order of the agenda.

**MOTION TO APPROVE AGENDA AND WAIVE FULL READING**

**D. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda.

Each speaker may speak for up to 3 minutes.

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 5:00 PM, June 30, 2020 (the day of the meeting), via:

- 1) eComment at <http://www.citymb.info/ecomment>;
- 2) email to [cityclerk@citymb.info](mailto:cityclerk@citymb.info); or
- 3) telephone message recorded at (310) 802-5030.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting:

If you wish to speak on any item on the agenda, please register in advance by clicking the following link: <https://citymb.seamlessdocs.com/f/publiccomment>.

- 1) Join Zoom Meeting via the internet:  
Direct URL: <https://comb.zoom.us/j/98365682559>, Meeting ID: 983-6568-2559

During the meeting you will need to use the "raise hand" button through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):  
Phone Number: (669) 900-6833, Meeting ID: 983-6568-2559

During the meeting you will need to enter \*9 on the phone's dial pad at the time the Mayor invites the public to provide comments.

**E. CLOSED SESSION****I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION****CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)  
(Government Code Section 54956.9(d)(1))**

**Claimant: John Loy**  
**WCAB No: ADJ10010625**

**II. RECESS INTO CLOSED SESSION****III. RECONVENE INTO OPEN SESSION****IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION****F. CEREMONIAL CALENDAR**

1. Presentation of a Commendation to Outgoing Interim Information Technology Director Patrick Griffin.  
**PRESENT**

[20-0066](#)**G. PUBLIC COMMENTS (3 MINUTES PER PERSON)****H. COVID-19**

2. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.
3. City Council to Consider Additional Measures to Address COVID-19.

**I. CONSENT CALENDAR**

*Items on the Consent Calendar are routine and customary items and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.*

4. Consider Adopting a Resolution Approving a Funding Agreement with the Los Angeles County Metropolitan Transportation Authority (Metro) for the Exchange Agreement and Assignment of Federal Surface Transportation Program - Local Funds (STP-L) for the Rosecrans Avenue Street Resurfacing Project for \$817,472; and Authorize the City Manager to Execute the Agreement (Public Works Director Katsouleas).  
**ADOPT RESOLUTION NO. 20-0079**

[20-0225](#)

**Attachments:** [Resolution No. 20-0079](#)  
[Agreement - LACMTA](#)

**J. ITEMS REMOVED FROM THE CONSENT CALENDAR**

*Each speaker may speak for up to 2 minutes on each item pulled from the agenda.*

**K. PUBLIC HEARINGS**

*At the discretion of the Mayor, each speaker may speak for up to 3 minutes on each public hearing item.*

## L. GENERAL BUSINESS

*Each speaker may speak for up to 2 minutes on each general business item.*

5. Discussion of the Proposed Community Forum on Policing and Partnerships Including Format, Date and Content.

**DISCUSS AND PROVIDE DIRECTION**

6. Approve Updated Donation Policy and Provide Direction on Donation Program Recommendations (Parks and Recreation Director Leyman).

[20-0028](#)

**APPROVE**

**Attachments:** [Updated Donation Policy](#)  
[Park Amenity Donation Catalog](#)  
[Park Amenity Donation Application](#)  
[PowerPoint Presentation](#)

7. Consider Introducing an Ordinance to Prohibit the Use of City Resources for Campaign Activity, Restrict Political Activity in and on City Facilities, Add a CPI Adjustment to the Donation Limit, and Make Campaign Finance Provisions and Definitions Consistent with Changes in State Law (City Attorney Barrow and City Clerk Tamura).

[20-0024](#)

**INTRODUCE ORDINANCE NO. 20-0006**

**Attachments:** [Ordinance No. 20-0006](#)

## M. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

*In addition to providing reports of meetings and conferences attended by Councilmembers in connection with their official duties at City expense as required by AB 1234, Councilmembers requested at a previous City Council meeting that the following item(s) be placed on the agenda for discussion.*

8. Consider Request by Mayor Pro Tem Hadley and Mayor Montgomery to Discuss a Possible Extension of Thirty Days for Payment of Business License Taxes.

**DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Letter from DBPA](#)

## N. FUTURE AGENDA ITEMS

*Councilmembers may request that items be placed on a future agenda with the concurrence of one other Councilmember.*

## O. CITY MANAGER REPORT

## P. CITY ATTORNEY REPORT

## Q. INFORMATIONAL ITEMS

*This section is for items that do not require City Council action.*

**R. ADJOURNMENT****S. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

*July 7, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*July 14, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting*  
*July 21, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*July 28, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting*  
*August 4, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*August 18, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*September 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*September 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*October 6, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*October 20, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*November 5, 2020 - Wednesday -- 6:00 PM - City Council Meeting*  
*November 17, 2020 - Tuesday -- 6:00 PM - City Council Meeting*  
*December 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)*  
*December 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting*

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS**

*July 8, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting*  
*July 13, 2020 - Monday - 6:00 PM - Library Commission Meeting*  
*July 20, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting*  
*July 22, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting*  
*July 23, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission*  
*July 27, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting*  
*August 10, 2020 - Monday - 6:00 PM - Library Commission Meeting*  
*August 12, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting*  
*August 17, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting*  
*August 24, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting*  
*August 26, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting*  
*August 27, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission*

**T. CITY OFFICES CLOSED****CITY HOLIDAYS**

*July 4, 2020 - Friday - Independence Day*  
*September 7, 2020 - Monday - Labor Day*  
*October 12, 2020 - Monday - Columbus Day*  
*November 11, 2020 - Wednesday - Veterans Day*  
*November 26-27, 2020 - Thursday & Friday - Thanksgiving Holiday*  
*December 25, 2020 - Friday - Christmas Day Observed*  
*January 1, 2021 - Friday - New Years Day Observed*  
*January 18, 2021 - Monday - Martin Luther King Day*  
*February 15, 2021 - Monday - Presidents Day*  
*May 31, 2021 - Monday - Memorial Day*







**CITY OF MANHATTAN BEACH**  
1400 Highland Avenue Manhattan Beach, CA 90266  
[www.citymb.info](http://www.citymb.info) • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 6/30/2020

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**TO:**

Members of the City Council

**FROM:**

Mayor Montgomery

**SUBJECT:**

Presentation of a Commendation to Outgoing Interim Information Technology Director Patrick Griffin.

**PRESENT**

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**The City Council of the City of Manhattan Beach  
Does Hereby Proudly Recognize  
Patrick Griffin  
for His Dedicated Service as  
Interim Information Technology Director  
for the City of Manhattan Beach.**





**CITY OF MANHATTAN BEACH CITY HALL**

1400 Highland Avenue, Manhattan Beach, CA 90266

**WEBSITE:** [www.citymb.info](http://www.citymb.info) • **PHONE:** (310) 802-5000

## **AGENDA ITEM NO. 2**

City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.





**CITY OF MANHATTAN BEACH CITY HALL**

1400 Highland Avenue, Manhattan Beach, CA 90266

**WEBSITE:** [www.citymb.info](http://www.citymb.info) • **PHONE:** (310) 802-5000

## **AGENDA ITEM NO. 3**

City Council to Consider Additional Measures to Address COVID-19.





**Agenda Date:** 6/30/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Stephanie Katsouleas, Public Works Director  
Prem Kumar, City Engineer  
Adilia Miller, Senior Civil Engineer

**SUBJECT:**

Consider Adopting a Resolution Approving a Funding Agreement with the Los Angeles County Metropolitan Transportation Authority (Metro) for the Exchange Agreement and Assignment of Federal Surface Transportation Program - Local Funds (STP-L) for the Rosecrans Avenue Street Resurfacing Project for \$817,472; and Authorize the City Manager to Execute the Agreement (Public Works Director Katsouleas).

**ADOPT RESOLUTION NO. 20-0079**

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**RECOMMENDATION:**

Staff recommends that City Council adopt Resolution No. 20-0079:

1. Approving a Funding Agreement between the Los Angeles County Metropolitan Transportation Authority (Metro) and City of Manhattan Beach for the Exchange Agreement and Assignment of federal Surface Transportation Program-Local Funds (STP-L) for the Rosecrans Avenue Street Resurfacing Project for \$817,472.
2. Authorizing the City Manager to execute the Funding Agreement.

**FISCAL IMPLICATIONS:**

The City of Manhattan Beach made a request to Metro to exchange \$834,156 of the City's federal Surface Transportation Program-Local (STP-L) funding allocation for local LACMTA funds. This amount includes \$520,635 in currently available funds plus an advancement of estimated annual allocations of \$104,507 for the next three years (totaling \$313,521 for Fiscal Years 2021, 2022, and 2023). Metro charges a two percent processing and administrative fee ("the Processing Fee") of \$16,683 in connection with the exchange, for a net disbursement to

the City for \$817,472. The \$16,683 fee is reasonable and less than the City would spend to comply with cumbersome federal funding stipulations.

A \$817,472 Exchange Agreement and Assignment of STP-L funds was finalized by Metro staff and provided to the City on June 19, 2020 for consideration.

**BACKGROUND:**

Manhattan Beach receives an annual allocation of federal funds each year through the federal Surface Transportation Program - Local (STP-L), based on a population formula. Metro is the local agency that administers STP-L funding received by the federal government. Metro is also the agency that administers local funding programs for transportation projects, such as Measure R and Measure M. Because Metro carries out a large number of federal projects on behalf of the region, and must, therefore, comply with federal grant requirements, it is advantageous for them to exchange federal dollars for local dollars. This allows them to leverage funding while at the same time help local cities eliminate the administrative burden associated with federal grants for smaller projects.

Per Metro, eligible uses for STP-L funds include “construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements for highways (including interstate highways and bridges), capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly-owned intra-city or intercity bus terminals and facilities, carpool projects, fringe and corridor parking facilities, bicycle and pedestrian walkways, highway and transit safety improvement & programs.”

Rosecrans Avenue, as a major arterial roadway, qualifies as an eligible project for STP-L funds and thus for exchange. Because resurfacing Rosecrans Avenue between Village Drive and Aviation Boulevard is imminent, the City requested, and Metro agreed to consider exchanging accumulated and future STP-L funds so that Public Works could utilize its allocation on this project. Notably, Rosecrans Avenue is the last major corridor to have a pavement condition index (PCI) ranking below 20. Metro agreed to allow the STP-L exchange.

**DISCUSSION:**

In order to accept and utilize STP-L funds, City Council must adopt a resolution approving the Metro Funding Agreement. The attached agreement outlines the scope of work, expenditure and reporting requirements as well as the expected timeline for implementation. The agreement contains standard boiler plate agreement language similar to previous Metro Funding Agreements approved by City Council for previous City projects. The attached resolution also authorizes the City Manager to sign the Agreement.

The exchanged funding amount of \$817,472 will be designated for the Rosecrans Avenue Street Resurfacing Project, which involves the street resurfacing of eastbound Rosecrans Avenue from Aviation Boulevard to Village Drive. The specific work entails:

- Asphalt concrete resurfacing: 2-inch mill and asphalt hot rubber mix overlay over Tensar Glaspave50 paving mat;
- Manhole and water valve adjustments;
- Curb ramps and driveways approach upgrades to comply with American with Disabilities



Act (ADA) guidelines;

- Traffic signal pedestrian push button relocation;
- New thermoplastic striping; and
- New traffic signal loop detectors installation.

Construction bids for the Rosecrans Avenue Street Resurfacing Project were received on June 17, 2020. Pending this exchange, a construction contract award will be presented to City Council in July for consideration. The execution of the \$817,472 Exchange Agreement and assignment of STP-L funds is timely to supplement the City local gas tax funding allocated to complete this important and much needed improvement to Rosecrans Avenue.

**PUBLIC OUTREACH:**

The businesses and residences impacted by this project will be provided advanced information regarding the project, including dates and times of construction. Contact information will also be provided for residents and businesses who require additional information. Notice will be sent to businesses and residences adjacent to the work once the project is ready to commence with construction.

**ENVIROMENTAL REVIEW:**

The City has reviewed the Rosecrans Avenue project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to Section 15301 Class 1 (repair and maintenance of existing public facilities, involving negligible or no expansion of use) of the State CEQA Guidelines. A Notice of Exemption will be filed for the project with the Los Angeles County Clerk’s Office prior to the construction for the Project.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Resolution No. 20-0079
2. Agreement - LACMTA

RESOLUTION NO. 20-0079

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING A FUNDING AGREEMENT BETWEEN THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) AND CITY OF MANHATTAN BEACH FOR THE EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE TRANSPORTATION PROGRAM - LOCAL FUNDS FOR THE ROSECRANS AVENUE STREET RESURFACING PROJECT FOR \$817,472.

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Approve the Funding Agreement between the Los Angeles County Metropolitan Transportation Authority (LACMTA) and City of Manhattan Beach for the Exchange Agreement and Assignment of Federal Surface Transportation Program – Local funds (STP-L) for the construction of the Rosecrans Avenue Street Resurfacing Project for \$817,472.

SECTION 2. Authorize the City Manager to execute the Funding Agreement.

ADOPTED on June 30, 2020.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
RICHARD MONTGOMERY  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

**EXCHANGE AGREEMENT AND ASSIGNMENT OF FEDERAL SURFACE  
TRANSPORTATION PROGRAM — LOCAL FUNDS**

This Exchange Agreement and Assignment of Federal Surface Transportation Program-Local Funds ("AGREEMENT"), is made and entered into as of May 1, 2020, by and between the City of Manhattan Beach ("CITY") and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

**RECITALS**

- A. CITY is eligible for and has available Federal Surface Transportation Program-Local funds ("STP-L Funds").
- B. CITY desires to exchange \$834,156 of CITY's STP-L Funds for a like amount of LACMTA Local Transportation Funds ("LACMTA Funds").
- C. LACMTA is willing to exchange \$834,156 in LACMTA Funds for a like amount of CITY's STP-L Funds subject to the terms and conditions contained herein.
- D. An exchange of CITY's STP-L Funds with LACMTA Funds is beneficial to and in the general interest of CITY and LACMTA.

NOW THEREFORE, in consideration of the mutual benefits to be derived by CITY and LACMTA, and of the promises contained herein, it is hereby agreed as follows:

**AGREEMENT**

- 1. CITY hereby assigns to LACMTA \$834,156 of CITY's STP-L Funds. LACMTA shall be authorized to deduct such amount from CITY's STP-L Fund balance. This assignment shall be automatically effective upon full execution of this AGREEMENT without the necessity of the execution, delivery or recording of any further instrument whatsoever. Notwithstanding the foregoing, at LACMTA's request, CITY shall execute and deliver such documents and instruments as may be required to evidence such assignment of STP-L Funds.
- 2. LACMTA hereby accepts CITY's assignment of CITY's STP-L Funds for use on Federal-aid eligible project(s), to be determined by LACMTA in its sole and absolute discretion.
- 3. Upon receipt of (i) a fully executed AGREEMENT, (ii) CITY's written certification of the amount of CITY's STP-L Fund Balance, as defined herein, which CITY's STP-L Fund Balance shows that CITY has sufficient STP-L Funds to meet its obligations hereunder, and (iii) LACMTA's deduction of CITY's STP-L Funds as provided in paragraph 1 above, LACMTA shall pay CITY \$817,472 of LACMTA Funds which includes the deduction for the processing fee described in paragraph 5 below. For purposes of this AGREEMENT, CITY's "STP-L Fund Balance" shall mean the amount of funds contained in CITY's STP-L Fund account as of the date that this AGREEMENT is fully executed, which includes

CITY's FY20 apportionment share of STP-L Funds, and estimated additional apportionment share of STP-L Funds for FY21, FY22, and FY23. If the STP-L Fund Balance becomes insufficient to satisfy CITY's exchange obligations hereunder, CITY hereby authorizes LACMTA to deduct from CITY's future STP-L Funds until LACMTA has in the aggregate received the amount of CITY's STP-L Funds specified in paragraph 1 above.

4. CITY must complete an Automated Clearing House (ACH) form as provided in Exhibit A to allow LACMTA to make disbursements electronically. Disbursements via ACH will be made at no cost to CITY. If electronic disbursements are not the preferred method of disbursement, CITY may request an exception in writing.

5. CITY shall pay LACMTA a two-percent (2%) processing and administrative fee ("the Processing Fee") in connection with the exchange contemplated by this AGREEMENT. The Processing Fee shall be assessed against the total amount of LACMTA Funds payable to CITY. CITY hereby authorizes LACMTA to deduct the Processing Fee from the amount LACMTA is to pay CITY hereunder.

6. CITY shall expend the LACMTA Funds on the STP-L-Eligible Project and by the Lapsing Date, consistent with the Statement of Work, Schedule and Budget provided in Exhibit B. For the purposes of this AGREEMENT, "the Lapsing Date" shall mean the date that is three (3) years from the date that this AGREEMENT is fully executed. Any LACMTA Funds not expended by the Lapsing Date shall lapse and be returned to LACMTA within thirty (30) days of the Lapsing Date for further programming to third parties as LACMTA determines in its sole discretion.

- A. For the purposes of this AGREEMENT, the term "STP-L Eligible Project" shall mean the transportation capital improvement described in Exhibit B that would normally qualify for the STP-L program, provided however, that any applicable federal regulations and standards related to procurement and other project delivery issues may be substituted with applicable state and local regulations, standards, and policies.
- B. The term "expend" as used in Section 6 shall mean "encumbered by an awarded contract".
- C. If the LACMTA Funds have lapsed and CITY has not returned all or a portion of the lapsed LACMTA Funds to LACMTA, then CITY shall be considered to be in default and agrees that such outstanding payments shall be paid from CITY funds in the following priority: first, from any of CITY's unobligated STP-L balance funds, then from CITY's Proposition A local return funds, then from CITY's Proposition C local return funds, then from CITY's Measure R local return funds, and then from CITY's Measure M local return funds. If CITY is in default hereunder, in addition to all rights and remedies available to LACMTA at law or in equity and without further notice or ability to cure by CITY, CITY hereby authorizes LACMTA to withhold the applicable STP-L funds or local return funds in the amount needed to satisfy the outstanding amount of lapsed LACMTA Funds due and owing to LACMTA prior to LACMTA transferring the balance of such local return funds to the CITY in accordance with the applicable state laws or ordinances.

7. CITY must use the LACMTA Funds in the most cost-effective manner. If CITY intends to use a consultant or contractor to implement all or part of the STP-L Eligible Project, LACMTA requires that such activities be procured in accordance with CITY's contracting procedures and be consistent with State law as appropriate. CITY will also use the LACMTA Funds in the most cost-effective manner when the LACMTA Funds are used to pay "in-house" staff time. CITY staff or consultants with project oversight roles may not award work to companies in which they have a financial or personal interest. This effective use of funds provision will be verified by LACMTA through on-going project monitoring and through any LACMTA interim and final audits.

8. LACMTA, and/or its designee, shall have the right to conduct audits of CITY's use of the LACMTA Funds, as deemed appropriate, such as financial and compliance audits; interim audits; pre-award audits, performance audits, and final audits. CITY agrees to establish and maintain proper accounting procedures and cash management records and documents in accordance with Generally Accepted Accounting Principles (GAAP). CITY's records shall include, without limitation, any supporting evidence deemed necessary by LACMTA to substantiate CITY's use of LACMTA Funds. These records must be retained by CITY for five years following CITY's last use of the LACMTA Funds. CITY shall reimburse LACMTA for any expenditure not in compliance with the Scope of Work and/or not in compliance with other terms and conditions of this AGREEMENT. The eligibility of costs for CITY's own expenditures submitted to LACMTA for the STP-L Eligible Project shall be in compliance with Office of Management and Budget (OMB) Circular A-87 (relocated to Title 2 in the Code of Federal Regulations, Subtitle A, Chapter II, part 225). The eligibility of costs for CITY's contractors, consultants, and suppliers expenditures submitted to LACMTA through CITY's Monthly Progress Reports and Quarterly Expenditures shall be in compliance with OMB Circular A-87 (as relocated) or Federal Acquisition Regulation (FAR) Subpart 31 (whichever is applicable). Findings of the LACMTA audit are final. When LACMTA audit findings require CITY to return monies to LACMTA, CITY agrees to return the monies within thirty (30) days after the final audit is sent to CITY.

9. The terms of this AGREEMENT shall commence on the date that this AGREEMENT is fully executed and shall terminate once CITY has expended all the LACMTA Funds and all LACMTA audit and reporting requirements have been satisfied.

10. CITY shall fully indemnify, defend and hold LACMTA and its officers, agents, and employees harmless from and against any liability and expenses, including, without limitation, defend costs, any costs or liability on account of bodily injury, death or personal injury of any person, or for damages of any nature whatsoever arising out of (i) a breach of CITY's obligations under this AGREEMENT; or (ii) any act or omission of CITY or its officers, agents, employees, contractors, or subcontractors in the use of the LACMTA Funds.

11. LACMTA shall fully indemnify, defend and hold CITY and its officers, agents, and employees harmless from and against any liability and expenses, including, without limitation, defend costs, any costs or liability on account of bodily injury, death or personal injury of any person, or for damages to or loss of risk of property, any environmental obligations, any legal fees and any claims for damages of any nature whatsoever arising out of (i) a breach of LACMTA's obligations under this AGREEMENT; or (ii) any act or omission of LACMTA or its officers, agents, employees, contractors, or subcontractors in the use of CITY's STP-L Funds.

12. This AGREEMENT may be amended or modified only by mutual written consent of LACMTA and CITY.

13. Any correspondence, communication, or contact concerning this AGREEMENT shall be directed to the following:

#### CITY OF MANHATTAN BEACH

Adilia Miller  
Senior Engineer  
3621 Bell Avenue  
Manhattan Beach, CA 92648  
email: [amiller@citymb.info](mailto:amiller@citymb.info)

#### LACMTA

Ashad Hamideh  
Senior Director, Countywide Planning and Development  
One Gateway Plaza  
Mail Stop: 99-23-3  
Los Angeles, CA 90012-2952  
email: [hamideha@metro.net](mailto:hamideha@metro.net)

14. This AGREEMENT shall be interpreted and governed by the laws of the State of California.

15. This AGREEMENT constitutes the entire understanding between the parties with respect to the subject matter herein.

**IN WITNESS WHEREOF**, the parties hereto have caused this AGREEMENT to be executed by their respective officers as of the date stated below.

**LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION  
AUTHORITY**

**CITY OF MANHATTAN BEACH**

By: \_\_\_\_\_

Phillip A. Washington  
Chief Executive Officer

By: \_\_\_\_\_

Bruce Moe  
City Manager

**APPROVED AS TO FORM:**

MARY C. WICKHAM  
County Counsel

**APPROVED AS TO FORM:**


QUINN M. BARROW  
City Attorney

By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_  
City Attorney



**LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY  
AUTOMATED CLEARING HOUSE (ACH) PAYMENT AUTHORIZATION**

<b>SECTION I: <i>Supplier Information</i></b>		
Supplier Number:		
Company Name: City of Manhattan Beach		
Payment Address: 1400 Highland Ave		
City: Manhattan Beach	State: CA	Zip Code: 90266
Contact Name: Henry Mitzner		Contact Phone Number: 310-802-5563
Email Address: accounting@citymb.info		
<b>SECTION II: <i>Banking Information</i></b>		
Tax ID: 95-6000742		
Bank Name (Required): Union Bank		
Account Name: City of Manhattan Beach		
Account Type (Required): <input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings		
Account Number (Required): 2740013885		
Routing Number (Required): 122000496		
<b>SECTION III: <i>Authorization</i></b>		
Print Name of Authorized Person: Henry Mitzner		
Print Title : Controller		
Phone Number: 310-802-5563		
Signature of Authorized Person: 		
Date: 01/06/2020		
<b>SECTION IV: <i>Approval - Metro Use Only</i></b>		
Approved by:	Date:	
Entered by:	Date:	



**STATEMENT OF WORK**

The STP-L Eligible Project consists of roadway rehabilitation improvements along Rosecrans Avenue between Village Drive and Aviation Boulevard, including a 2.0” cold-mill and asphalt hot rubber mix overlay and adjacent curb ramp upgrades to comply with ADA requirements.

**SCHEDULE**

Open Bids:	June 2020
Award Contract:	July 2020
Start Construction:	August 2020
Complete Construction:	November 2020

**BUDGET**

City of Manhattan Beach Funds:	\$98,779
LACMTA Funds:	<u>\$817,472</u>
Total:	\$916,251





**CITY OF MANHATTAN BEACH CITY HALL**

1400 Highland Avenue, Manhattan Beach, CA 90266

**WEBSITE:** [www.citymb.info](http://www.citymb.info) • **PHONE:** (310) 802-5000

## **AGENDA ITEM NO. 5**

Discussion of the Proposed Community Forum on Policing an Partnerships Including Format, Date and Content.

### **DISCUSS AND PROVIDE DIRECTION**





**Agenda Date:** 6/30/2020

---

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Mark Leyman, Parks and Recreation Director  
Linda Robb, Management Analyst

**SUBJECT:**

Approve Updated Donation Policy and Provide Direction on Donation Program Recommendations (Parks and Recreation Director Leyman).

**APPROVE**

---

**RECOMMENDATION:**

Staff recommends that the City Council approve the updated Donation Policy and provide direction on donation program recommendations.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action for community pavers and the park donation catalog, as there will be cost recovery. If the City Council approves moving forward with the Veteran's recognition wall, costs will be determined and staff will return to the City Council for approval.

**BACKGROUND:**

At the September 3, 2019, City Council meeting, staff proposed an umbrella donation policy and donation program options. The umbrella policy establishes a uniform process for donation in public parks, facilities, and open space on City property or public easements. The objective of the policy is to ensure uniformity and a timeline for requests, facilitate and encourage donations, and provide opportunities for residents to create a vested connection to place and community. The policy defines types of donations, the process for application or proposal, implementation guidelines, and includes language limiting the City's responsibility for maintenance to the useful life of the donation. City Council directed staff to make the following changes and return to Council for further direction and approval.

Donation Policy Language

Update language in the policy to provide City Council approval for all items over \$5,000, specify a term of the donation, and develop a standardized application and donor agreement reviewed by the City Attorney.

Develop Donation Programs

The City Council approved three donation programs and directed staff to develop guidelines for each. The three programs are:

1. City donation catalog
2. Community donation pavers
3. Veterans recognition wall

**DISCUSSION:**

Per City Council direction, the Parks and Recreation Commission Ad-Hoc Committee met to update the donation policy language and further develop each Council approved donation program.

Donation Policy Language

City Council directed staff to update language in the policy to require City Council approval for all items over \$10,000. Upon further review, the Ad-Hoc Committee suggested a \$5,000 administrative approval maximum. This would allow common administrative donations such as games, furniture, etc. related to parks programs, while bringing anything over \$5,000 for City Council approval.

In addition, the policy was updated to remove the proposed donation tiers (1,2,3) to simplify the policy. The tiers were intended to provide a clear differentiation between types of donations, but proved to be confusing. Ultimately, the tiers were unnecessary, as the approved donation program (paver donation and park amenity catalogue) guidelines will already be in place. All other donations would be outside of these guidelines and brought to City Council for approval.

City Council also asked staff to address the specific terms of each donation and develop a standardized application reviewed by the City Attorney. The application is attached. Staff and the City Attorney have obtained samples of donation agreements from other cities, and staff will upload the donation agreement, tailored for Manhattan Beach, to the City's website. The policy has been updated to reflect a ten-year term for donations and outlines City and donor responsibilities

**Donation Programs:**

The three donation programs approved by City Council are the City Donation Catalog, community pavers, and veterans' recognition wall.

City Donation Catalog

The City donation catalog is an expanded version of the previous tree and bench donation program. In addition to trees and benches, catalog options include: drinking fountains, picnic tables, and barbecues. This program is intended to promote community and allow residents to

purchase a park amenity from an online catalog that will be updated based on the needs of the parks. The Parks and Recreation Department will work in partnership with Public Works to inventory and update park amenities as needed, providing an online list of donation items. This is a cost-recovery program. The prices listed in the catalog represents the cost to purchase and install.

*Purpose:* To replace park amenities and recognize community members or organizations.

*Location:* All City parks and public spaces.

*Process:* Donor would select and purchase item from the online catalog. Staff will install amenity and provide donor recognition.

*Cost:* Cost will vary by amenity. Parks and Recreation and Public Works will develop appropriate pricing including cost of materials and installation for each catalog item. Donor recognition for each item will vary by amenity and will be established prior to inclusion in the catalog.

### Community Pavers

This program is intended to promote greater community unity and allow residents to become a permanent part of the City landscape by honoring their family, remembering a loved one or commemorating a special occasion with a brick paver. The pavers will line the walkway of the garden in front of the Post Office on the corner of 15th St. and Valley Drive.

*Purpose:* To recognize community members or organizations

*Location:* Walkway outside of the post office on 15th Street

*Process:* Community members would purchase pavers during a limited time frame to be installed at a specific site. This program could be implemented at alternate locations as identified

*Cost:* \$100 per brick paver

### Veteran's Recognition Wall

This program is intended to honor our military veterans and active duty service members, and would be located at or near the Veterans Memorial at 15th Street and Valley Drive. Upon inspection of the site, staff suggests a low wall that would mirror the slight curve of the landscaping surrounding the memorial. After the initial installation, plaques could be purchased and added to the wall periodically as an ongoing program.

*Purpose:* To honor military veterans and active duty service members

*Location:* 15th Street and Valley Drive

*Process:* Community members would submit a request for a plaque to be reviewed and approved by the City Council annually, with the unveiling at the Veterans Day event.

*Cost:* \$400 per bronze plaque

### Donation Recognition

The Ad-Hoc Committee discussed a variety of donation recognition options based upon the direction and discussion by City Council and proposed the following recognition recommendations:

- *Trees* - Anonymous option, recognition on City website donor page, donor certificate.
- *Pavers* - Paver with personalized engraving.
- *Park Amenity over \$1,000* - Anonymous option, recognition on City website donor page, 6"x3" bronze plaque placed in concrete adjacent to amenity.

To remain consistent with current donor plaque wording, options will be limited to:

<i>Donated in Honor of Name, Date</i>	<i>Donated in Recognition of Name, Date</i>	<i>Donated By Name, Date</i>
---	---	----------------------------------

With each donation program, donors will sign an application that will address lifespan, vandalism and maintenance, recognition, and confirm that the donor has read and understands the donation policy. All donations falling outside of the catalog and established programs will require a written proposal to be reviewed by the Parks and Recreation Department with recommendations to the City Council for approval, and donation agreement.

**PUBLIC OUTREACH:**

The ad-hoc committee met nine times to draft the policy and investigate program options. The donation policy was also discussed at the September 17, 2018, October 22, 2018, January 28, 2019, February 25, 2019, and March 25, 2019, Parks and Recreation Commission meetings and the September 3, 2019, City Council meeting.

**LEGAL REVIEW:**

The City Attorney has reviewed the donation program application and agreements from other cities.

**ATTACHMENTS:**

1. Updated Donation Policy
2. Park Amenity Donation Catalog
3. Park Amenity Donation Application
4. PowerPoint Presentation



## CITY OF MANHATTAN BEACH DONATION POLICY

### I. Purpose

The purpose of this policy is to establish a uniform process for donations in public parks, facilities and open space on City property or public easements.

### II. Authorization

The City Council shall retain final authority for accepting donations and/or authorizing any use of City owned property.

### III. Objectives

- Ensure uniformity and a timeline for requests;
- Facilitate and encourage donations to the City;
- Protect the integrity of City property;
- Provide opportunities for residents to create a vested connection to place and community.

### IV. Qualifying Donations

- Community project enhancements, campaigns and/or services - such as Eagle Scout and youth program projects;
- Tribute items, such as benches or trees, park amenities, banners, pavers and tiles;
- Capital Improvement Projects (over \$50,000).

Artistic donations such as paintings, sculptures and murals will be considered under the Art Donation Policy from the Public Art Master Plan.

### V. City Donation Catalog

The City of Manhattan Beach has created a catalog of amenity items that may represent a benefit to the community. It is recommended that all donations begin with a review of this catalog of approved items.

### VI. Process

The following guidelines will be used when donating items:

#### 1. *Application/Written Proposal*

Applications are required for all items in the City Donation Catalog and established donation programs, and will be approved based on item availability. For all other donations, a written proposal must be submitted to the City of Manhattan Beach Parks and Recreation Department. The proposal submitted should include: an explanation or scope of the proposed donation; specifications, including type, dimensions, material and proposed location; estimated value of the donation; donor information and any other pertinent information. Donations valued at \$5,000 or more will require review by the Parks and Recreation Commission and approval from the City Council.

#### 2. *General Criteria*

The following criteria will be considered:

- any existing agreements
- any existing regulations or deeds
- proposal/scope
- easements/utilities
- existing structures
- quality/quantity of an object

- size of an object
- environmental concerns
- future or ongoing maintenance
- public safety
- estimated value
- relationship to the natural environment
- users of the proposed site
- future development plans
- landscape design, existing infrastructure
- visibility and accessibility
- Identification in City Donation Catalog

Donations made on property with a conservation easement or deed restriction shall require approval from the easement holder per the applicable easement or deed.

The City Council shall retain final authority for all use of City owned property. The Donor shall give up: ownership rights, right to alter, move or remove said donations without reservation, and maintenance obligation rights.

### 3. *Timeline*

Once an application is considered complete, (verified in writing) staff will process and respond to each application within 60 days of submittal (to allow time to process through Commission and City Council if needed). One of the following responses will be provided:

- a. Application/Proposal acceptance and next steps for approval;
- b. Proposal modification request which may include a general modification to the scope of the project;
- c. Application/Proposal denial

### 4. *Donation Approval*

Donations from the City Donation Catalog, established donation programs, and donations valued under \$5,000 will be processed administratively by staff. Donation proposals valued over \$5,000 will be reviewed by the Parks and Recreation Commission and require approval by the City Council.

## **VII. Implementation**

The following guidelines are provided for the installation, construction or placement of any donated items:

### 1. *Project and Process*

An application or agreement between the donor and the City will be prepared for each donation.

### 2. *Funding*

The cost of labor and installation is built in to all items in the City Donation Catalog. For other donations, all costs are the responsibility of the donor (i.e., installation, labor and materials, and insurance, if needed).

### 3. *Installation*

City staff will oversee and coordinate for the installation of all donated items.

### 4. *Location*

City of Manhattan Beach reserves the right to amend and/or reject any location requested by the applicant. Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation.

5. *Vandalism & Maintenance*

When an item is donated, City staff makes a commitment to reasonably maintain that item for ten years in a manner consistent with other City property. The City will make reasonable efforts to repair damaged donated items. However, the City is not responsible for replacing items, including plaques, due to excessive damage or loss of elements at the end of ten years.

6. *Recognition*

a) City Donation Catalog and Established Donation Programs

Specific recognition for all donations are listed in the City Donation Catalog or Donation Program materials.

b) Staff will work with donor to determine appropriate recognition on other donation proposals, subject to Parks and Recreation Commission and City Council approval.

c) Capital Improvement Projects - Donors providing donations exceeding \$50,000 will work with staff to determine appropriate recognition, subject to Parks and Recreation Commission review and City Council approval.

7. *Liability*

In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity or corporation, resulting from the Donor's use of the City property or right-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy



CITY OF MANHATTAN BEACH

# DONATION PROGRAM

City Council Adjourned Regular Meeting  
June 30, 2020



Page 36 of 52

Donations are important to the vitality of the City and its mission to preserve, enhance and strengthen the quality of life in the community. The following information explains the process for celebrating and commemorating the events or lives of individuals who have lived in this community through donations and how to support our youth programs.

Anyone wishing to commemorate an anniversary, celebrate a new birth, or honor the memory of a loved one may request that trees, benches, playground equipment, etc. be placed through a donation within the City. These requests must be approved by the Departments and/or Commissions that have jurisdiction over the site. The Departments/Commissions are responsible for making sure that special requests are consistent with park plans, function, operations and current aesthetic needs. Individuals or groups wishing to donate commissioned art works should refer to the Public Art Master Plan (PDF). These donations are not covered in this book and require a different procedure.

## DONOR PLAQUE

Recognition plaques and signage may be discretely placed on benches or other large donations. Where permitted, plaques shall be no larger than 6" x 3" and only the following language, font weight and font style will be allowed:

***DONATED IN HONOR OF***

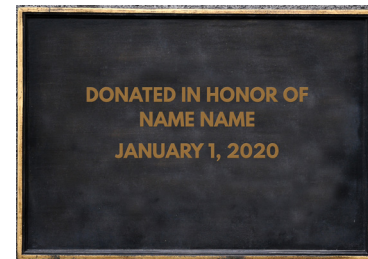
Name  
Date

***DONATED IN RECOGNITION OF***

Name  
Date

***DONATED BY***

Name  
Date



- Only one name (i.e. John Smith), or one Family name (i.e.: The Smith Family), or one group name (i.e.: The Smith Foundation) is allowed on the plaque. A date on the plaque is optional.
- All standard donations will be acquired and installed by park staff for the requisite fee as noted in this catalog.
- Where plaques are permitted, the cost of the original plaque is included in the donation price. However, if the plaque is vandalized or needs repair or replacement in the future, the donor will be responsible to replace the plaque if they so choose.
- Any replacement plaques needs to conform to these guidelines or it will be removed.

Placement of all bronze plaques shall be discrete and consistent on all benches. The City is not responsible for replacing markers and or plaques if they are damaged or vandalized. The City reserves the right to remove any and all equipment and recognition markers at any time.



**PARK BENCH**  
\$1,342



**DRINKING FOUNTAIN WITH WATER BOTTLE FILLER AND DOG FOUNTAIN**  
\$XXXX



**PICNIC BENCH**  
City Council Adjourned Regular Meeting  
\$1,248  
June 30, 2020



**BBQ**  
\$XXXXX



**24 INCH BOXED SIZE DROUGHT TOLERANT TREE**  
\$300

**LARGE TREES**

Chinese Elm  
Brisbane Box  
Canary Island Pine  
Coast Live Oak  
Holly Oak  
Aleppo pine  
London Planetree or 'Columbia'  
Lemon-scented Gum  
Silver Dollar Gum  
River She-Oak  
Italian Stone Pine  
Torrey Pine  
Cork Oak  
Cedar of Lebanon  
Deodar Cedar

**MEDIUM TREES**

Austrailian Willow  
Japanese Loquat  
Cajeput  
Nichol's Willowleaf Peppermi  
New Zealand Christmas Tree  
Yew Pine

**SMALL TREES/UTILITY FRIENDLY**

Golden Trumpet Tree  
Bottlebrush  
Western Redbud  
Crown of Gold  
Crapemyrtle  
Flaxleaf paperbark  
African Sumac  
Big Berry Manzanita  
Stiff Bottlebrush  
Lemon Bottlebrush  
African Sumac  
Queensland Pittosporum

**PALMS**

Guadalupe Palm  
Mexican Fan Palm  
Mexican Blue Palm



I wish to make the following donation to support the City of Manhattan Beach. I understand that final decisions on the acceptance and placement of all donations will be made according to the City of Manhattan Beach Donation Policy.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Amenity: \_\_\_\_\_ Amenity value: \_\_\_\_\_

## PREFERRED LOCATION

First Choice: \_\_\_\_\_ Second Choice: \_\_\_\_\_

Choice of location is not guaranteed. If a mutually acceptable location cannot be found and approved, a full refund will be issued.

I understand that City staff makes a commitment to reasonably maintain donated amenities and trees for ten years in a manner consistent with other City property. The City will make reasonable efforts to repair damaged donated items. However, the City is not responsible for replacing items, including plaques, due to excessive damage or loss of elements at the end of ten years. I understand that the City of Manhattan Beach reserves the right to remove the donated item at any time, if deemed necessary.

My signature below indicates that I have read and understand the Parks Donation Policy and the above and agree to all the provisions and procedures as outlined.

Donor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### AMENITY PLAQUE INFORMATION

(NOT AVAILABLE FOR TREES)

**CHOOSE ONE**

- No Plaque**
- Donated in Honor of**
- Donated in Recognition of**
- Donated by**

NAME ON PLAQUE: \_\_\_\_\_

DATE: \_\_\_\_\_

*Example:  
Donated in honor of Jane Doe  
on June 17, 2020*

### CERTIFICATE INFORMATION

(FOR TREES ONLY)

**CHOOSE ONE**

- Dedicated to**
- In Memory of**
- In Honor of**

NAME ON PLAQUE: \_\_\_\_\_

DATE: \_\_\_\_\_

**OR WRITE YOUR OWN WORDING**  
(LIMIT 50 CHARACTERS)

\_\_\_\_\_  
\_\_\_\_\_

**Would you like to be acknowledged on the City website?** (name only)  Yes  No Page 40 of 52



# UPDATED DONATION POLICY

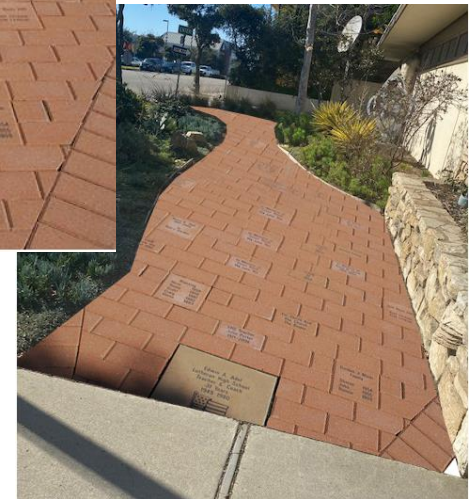
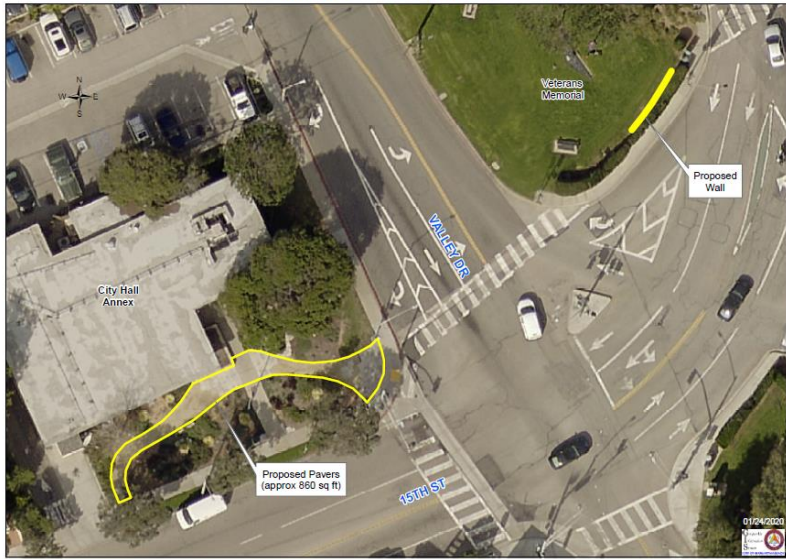


# DONATION POLICY OVERVIEW

- City Donation Catalog
  - Park amenities including trees and benches
  - 10 year term on City maintenance
- Paver Donation Program
  - Brick pavers
- Military Recognition
  - Bronze plaque on granite wall near Veterans Memorial recognizing active duty and veterans
- Other donations
  - Require City Council approval for over \$5,000
  - Proposal and agreement for each donation

# PAVER DONATION PROGRAM

Proposed Locations for Donation Pavers and Wall



# MILITARY RECOGNITION

- RECOGNITION WALL



- RECOGNITION PAVERS





**Agenda Date:** 6/30/2020

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Quinn Barrow, City Attorney

Liza Tamura, City Clerk

Alexandria Latragna, Management Analyst

**SUBJECT:**

Consider Introducing an Ordinance to Prohibit the Use of City Resources for Campaign Activity, Restrict Political Activity in and on City Facilities, Add a CPI Adjustment to the Donation Limit, and Make Campaign Finance Provisions and Definitions Consistent with Changes in State Law (City Attorney Barrow and City Clerk Tamura).

**INTRODUCE ORDINANCE NO. 20-0006**

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**RECOMMENDATION:**

Staff recommends that the City Council introduce the attached ordinance to prohibit the use of City resources for campaign activities, restrict political activity in City facilities, add a cost of living adjustment process to the contribution cap, and to conform campaign finance provisions and definitions to state law.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

During the Fiscal Year 2019-2020 Work Plan discussion, City Council directed staff to develop an election policy to address concerns regarding the use of public resources, City positions or titles, and City facilities for campaign-related activity.

State law and regulations regulate campaign and political activity and the use of public resources. The proposed ordinance is designed to supplement those laws in a manner consistent with those laws to:

- Assure that individuals and interest groups in our society have a fair and equal opportunity to participate in the governmental process
- Maintain an equal playing level, so that persons do not use their status as City officials or former City officials in an effort to take advantage of such status
- Help restore public trust in governmental and electoral institutions and eliminate corruption and the appearance of corruption in City elections
- Encourage a broader participation in the political process by maintaining limits on the amount any person may contribute or otherwise cause to be available to candidates for election to City Council or City Treasurer.

## **DISCUSSION:**

### Campaign Activity

State law currently prohibits any elected local officer, appointee, employee, or consultant to use or permit others to use “public resources for a campaign activity, or personal or other purposes which are not authorized by law.” *Cal. Government Code Title 2, Division 1, § 8314(a)*.

A “personal purpose” is defined as “those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor,” and excludes incidental and minimal use of public resources. The “use” of public resources means it must be substantial enough to “result in a gain or advantage to the user or a loss” to the City “for which monetary value may be estimated.” This state provision only applies to individuals within the City’s employ. Thus, staff proposes extending this to any person, including former employees and candidates.

The state’s provision also does not address a scenario where an individual may attempt to use his or her position or title for a private advantage or *disadvantage*. It is conceivable that public resources, including the City seal, or positions may be used to create unwarranted private harm. Therefore, staff recommends extending this restriction to the use of any City resources for any campaign activity whether or not it results in an advantage or disadvantage.

### Political Activity

The proposed section in the attached ordinance restricts political activity of City officials and mirrors the prohibitions that apply to Federal employees under the Hatch Act. Specifically, it prohibits City officials from engaging in “political activity” in the following scenarios:

1. While on duty for the City;
2. In any manner that implies the City official is speaking on behalf of the City or communicating a City position-including while wearing a uniform or official City insignia, or using a City title or position;
3. In a City facility, or while using City equipment, vehicles, supplies, or resources.

The purpose of this provision is to safeguard City employees from political coercion in the workplace and restore the public’s trust in government services and institutions.

### Campaign Contribution Limits

The last time the contribution limit section was amended was in 1996. Effectively, the limit has decreased each year due to inflation and spending power. Due to the State’s disclosure laws, it is easier to track donations that are given directly to a candidate in an election, than it is to track

the true source of independent expenditures. For transparency purposes, it is recommended that donations from individuals given directly to a specific candidate's committee be encouraged, rather than limited. Staff recommends tying the contribution limit of \$250, to the consumer price index for the Los Angeles-Long Beach metropolitan statistical area, so that the contribution limit is revised every two years, and more reflective of the spending power that a candidate may have with such contributed funds.

Consistency with State Law

In 1996, the ordinance included provisions and definitions that were, at the time, consistent with state law. Over the last 24 years, state law has evolved due to legislative amendments and case law. In light of such changes, staff recommends that the ordinance incorporate by reference the California Political Reform Act, as it has been amended, and will be amended.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has approved the draft ordinance as to legal form.

**ATTACHMENT:**

1. Ordinance No. 20-0006

ORDINANCE NO. 20-0006

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER  
4.120 TO LIMIT THE USE OF CITY RESOURCES IN CAMPAIGNS  
AND PROVIDE FOR ADJUSTMENTS ON THE LIMITS FOR  
CAMPAIGN CONTRIBUTIONS IN MUNICIPAL ELECTIONS

**RECITALS**

A. To assure that individuals and interest groups in our society have a fair and equal opportunity to participate in the governmental process;

B. To help restore public trust in governmental and electoral institutions and eliminate corruption and the appearance of corruption in City elections;

C. To encourage a broader participation in the political process by maintaining limits on the amount any person may contribute or otherwise cause to be available to candidates for election to City Council or City Treasurer of Manhattan Beach; and

D. This ordinance is intended to supplement the Political Reform Act of 1974, including amendments thereto, and shall not prevent any person, candidate or committee from complying therewith.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. Manhattan Beach Municipal Code Section 4.120.020 is hereby amended to read as follows:

“4.120.020 - Definitions.

A. The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 8200 through 82055) shall govern the interpretation of this section, unless otherwise specified herein.

B. The term elected City office, as used herein, shall mean the offices of City Council and City Treasurer.

C. For the purpose of this Article, the term City official shall mean any City elected or appointed official, commissioner, board member, employee, and any City volunteer when acting in the capacity of a City official or working at a City-sponsored event.”

SECTION 2. Manhattan Beach Municipal Code Section 4.120.030A is hereby amended to read as follows:



“4.120.030 – Campaign contribution limits.

- A. No person shall contribute a total of more than \$250 to any candidate for elected City office and to their controlled committee for a single election. No candidate for elected City office and their controlled committee shall accept any contribution or contributions totaling more than \$250 from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her own campaign for elected City office from the candidate’s own personal funds. The City Council shall review the contribution limit amount imposed by this Section in every year when it calls the regular municipal election and may, by resolution, increase the limit by an amount not to exceed any increase in the consumer price index (“CPI”) for the Los Angeles-Long Beach-Anaheim metropolitan statistical area (or any successor index) in the two-year period immediately preceding such review.”

SECTION 3. Section 4.120.055 is hereby added to the Manhattan Beach Municipal Code to read as follows:

“4.120.055 – Campaign and Political Activity

A. It shall be unlawful for any person to use the City seal, City logo, official City badges or insignias, equipment, vehicles, supplies, or resources, including but not limited to mailing and distribution lists, electronic mail, and electronic data for personal or political purposes, or for campaign advocacy directed at influencing voters to vote for or against any ballot measure or candidate. This does not prohibit the use of City resources to provide information to the public about the possible effects of a bond issue or ballot measure on City activities, services, operations, or policies, to communicate the official position of the City Council on a ballot measure, or when the use of public resources is otherwise legally authorized.

B. City officials shall not engage in political or campaign activity in any of the following scenarios:

1. While on duty for the City.

2. In any manner that states or implies the City official is speaking on behalf of the City or communicating a City position, unless the official is conveying the position of the City Council as adopted at an open public meeting in response to a request for information. This may include but is not limited to engaging in political activity in the following scenarios:

a. While wearing a City uniform or official City badge, insignia or logo;

b. Using a City title or position; or

c. While in a room or building that is owned by the City or primarily paid for or used by the City. This does not include a City room or building that is available to the

public for organized political activities provided the City official does not attend the activity during the official's city working hours and does not use other City resources for the activity.”

SECTION 4. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 5. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

ADOPTED on July 7, 2020.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

RICHARD MONTGOMERY  
Mayor

ATTEST:

---

LIZA TAMURA  
City Clerk



**CITY OF MANHATTAN BEACH CITY HALL**

1400 Highland Avenue, Manhattan Beach, CA 90266

**WEBSITE:** [www.citymb.info](http://www.citymb.info) • **PHONE:** (310) 802-5000

## **AGENDA ITEM NO. 8**

Consider Request by Mayor Pro Tem Hadley and Mayor Montgomery to Discuss a Possible Extension of Thirty Days for Payment of Business License Taxes.

### **DISCUSS AND PROVIDE DIRECTION**

**ATTACHMENT NAME:** Letter from DBPA

**LINK:** <https://www.citymb.info/Home/ShowDocument?id=42985>



June 18, 2020

Mayor Richard Montgomery  
Members of City Council  
City Manager Bruce Moe  
City Finance Director Charelian

City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

Dear Mayor Montgomery, City Council, City Manager Moe and Director Charelian,

The DBPA met this morning and a major topic of conversation was modification of the City's Business License Tax. Members of our organization have discussed this item individually with several members of Council and with Director Charelian, but we would like to formally document our requests.

COVID-19 has had a dramatic impact on revenues, significantly impacting cash flow to our Downtown businesses. The City of Manhattan Beach provided some temporary relief in delaying the deadline for paying this tax from March 30 to June 30, 2020. Although this is much appreciated, it is not enough.

The DBPA would like to request:

1. An additional deferral of 30 days, with payments not considered due until July 31.
2. During this additional deferment, an active discussion between City Council, City Staff and Downtown business owners to determine an alternate method of calculation for the BLT this year.

The current calculation of our Business License Tax is based on last year's gross revenue, which is obviously much higher than what this year's revenue will be due to lengthy closures and diminished sales. The DBPA would like the opportunity to work with the City to determine a fair way to adjust the BLT this year. We need immediate action to ensure our businesses are not considered delinquent in payment prior to this discussion. The City needs us, and we need your support to help our businesses and our City survive.

Thank you for your consideration and stewardship,

Linda McLoughlin Figel  
President, DBPA

Jill Lamkin  
Executive Director, DBPA